

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SIMON AND SIMON, PC, et al.,
Plaintiffs,
v.
ALIGN TECHNOLOGY, INC.,
Defendant.

Case No. 20-cv-03754-VC (TSH)

ORDER RE: MOTIONS TO SEAL

Re: Dkt. Nos. 245, 246

In ECF No. 245, Align moved to seal portions of a joint discovery letter brief, as well as Plaintiffs’ Exhibits 10 and 11 that were submitted in connection with the discovery letter brief. Exhibits 10 and 11 are Align-produced documents that Align designated as confidential under the terms of the protective order in this action. The Court grants Align’s motion to seal as to Exhibits 10 and 11.

In ECF No. 246, Align filed a motion to consider whether another party’s material should be sealed. The motion sought to seal portions of the same discovery letter brief as above, as well as Defendants’ Exhibits 2, 3, 4, 5, 6, 7 and 9. These Exhibits were produced by Plaintiffs, which designated them as confidential under the protective order. Under Civil Local Rule 79-5(f)(3), Plaintiffs had seven days to file a statement or declaration justifying the sealing of these documents. The local rule specifies that “[a] failure to file a statement or declaration may result in the unsealing of the provisionally sealed document without further notice to the Designating Party.” Here, Plaintiffs did not file the required statement or declaration by the deadline. Accordingly, the Court denies the motion to seal Exhibits 2, 3, 4, 5, 6, 7 and 9. The Court orders Align to file those Exhibits in the public record no sooner than five days from today and no later than ten days from today.

1 The Court also orders Align to file in the public record a version of the discovery letter
2 brief at ECF No. 247 that contains redactions only concerning Exhibits 10 and 11. The Court
3 orders Align to do this no sooner than five days and no later than ten days from today.

4 This order resolves ECF Nos. 245 and 246.

5 **IT IS SO ORDERED.**

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7 Dated: January 17, 2023

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9 THOMAS S. HIXSON
United States Magistrate Judge

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